



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	
	§	
Median et al.	§	
	§	
Serial No.: 10/750,760	§	
	§	
Filed: May 1, 2004	§	Group Art Unit: 2883
	§	
	§	
For: Single Layer MEMS Based	§	Attorney
Variable Optical Attenuator With	§	Docket: 2238/5
Transparent Shutter	§	
	§	
Examiner: C. M. Kalivoda	§	

Commissioner of Patents and Trademarks
Alexandria, Virginia 22313

ELECTION

Sir:

This is in response to the United States Patent and Trademark Office Action mailed July 13, 2005, which response is being made on or before October 13, 2005, with one month's extension fee.

REMARKS

The Examiner has required restriction to one of following species A-H. The Examiner's requirement is respectfully traversed.

The Examiner states that claim 26 (species C) is directed towards a MEMS variable optical attenuator (VOA) characterized by a switching time comprising at least one damper connected to one shutter and used for shortening the VOA switching time not claimed in the other species. Applicant respectfully submits that this VOA is claimed in claim 15 of species A.

The Examiner further states that claim 27 (species D) is directed towards a VOA comprising a locking mechanism for locking the shutter in an actuated position not claimed in